



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMARL MALIK TOWNSEND,

Plaintiff,

- against -

CITY OF NEW YORK and POLICE OFFICER U.C. 349,

Defendants.
-----X

**STIPULATION OF
CONFIDENTIALITY
AND PROTECTIVE
ORDER REGARDING
DEPOSITION OF
UNDERCOVER
OFFICER**

19-CV-10944 (LAK) (RWL)

WHEREAS, plaintiff Jamarl Malik Townsend seeks to take the deposition of defendant Undercover Officer # 349 ("UC 349"), an active undercover officer of the New York City Police Department;

WHEREAS, defendants City of New York and UC 349 deem the identity and likeness of any undercover officer to be confidential or otherwise inappropriate for public disclosure;

WHEREAS, defendants object to the videotaping of any active undercover officers;

WHEREAS, defendants object to the production of an active undercover officer at a deposition without certain protection of his or her identity; and

WHEREAS, good cause exists for the entry of an order pursuant to Rule 26(c)(1)(D) of the Federal Rules of Civil Procedure:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for plaintiff and defendants, that UC 349 will be produced for a deposition, subject to the following conditions:

1. The deposition of UC 349 shall be conducted remotely using videoconference technology.

2. UC 349 will participate in the virtual deposition by audio means only, and not by video.

3. Plaintiff will not be present at the deposition of UC 349 or within 100 feet of the vicinity of 1 Police Plaza, New York, New York, on the date of the deposition.

4. Counsel for plaintiff will not document, convey in words, or share by any other means of communication, the physical description or identifying characteristics, including gender, of UC 349 with anyone.

5. Plaintiff's counsel will not discuss UC 349's physical description at the deposition, on the record, or with anyone thereafter.

6. Any statements concerning the physical description or identifying characteristics of UC 349, including gender, made during the deposition by counsel for the parties or the deponent shall be stricken from the record, and the court reporter shall substitute any gender specific terms with gender neutral terms.

7. No audio or video recording equipment will be utilized to record the deposition of UC 349.

8. Neither plaintiff's counsel nor the court reporter will take any videotape, photographs, or any likeness of UC 349.

9. The court reporter present at the deposition will not discuss UC 349's physical description at the deposition, on the record, or with anyone thereafter.

10. In the event the identity of UC 349 is ever disclosed, whether intentionally or inadvertently, plaintiff's counsel agrees not to disclose that information to any third party, including plaintiff.

11. The terms of this Stipulation will apply to the court reporter recording the deposition testimony of the witness. The court reporter is required to sign the corresponding Exhibit A before the commencement of the deposition of UC 349.

12. This stipulation shall be binding upon the parties and anyone executing the corresponding Exhibit A immediately upon signature, and shall be submitted to the Court for entry as an order.

Dated: New York, New York
March 18, 2021

Alexis Padilla
Plaintiff's Counsel
The Law Office of Alexis G. Padilla
290 Howard Avenue
Brooklyn, NY 11233

JAMES E. JOHNSON
Corporation Counsel of the City of New York
*Attorney for Defendants City of New York
and UC 349*
100 Church Street
New York, New York 10007

By: /s/Alexis G. Padilla, Esq.
Alexis Padilla

By: /s/ Inna Shapovalova
Inna Shapovalova

SO ORDERED:



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 22, 2021

EXHIBIT A

The undersigned hereby acknowledges that s/he has read the Stipulation of Confidentiality and Protective Order dated March 18, 2021, in the action entitled Jamarl Malik Townsend v. City of New York, et al., 19-CV-10944 (LAK) (RWL), and understands the terms thereof. The undersigned agrees not to disclose the identity or any physical description of the deponent pursuant to the terms stated therein.

Date: _____

Signature: _____

Print Name: _____

Occupation: _____